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*Attorneys for Defendant*

FACEBOOK, INC.

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN JOSE DIVISION**

MAXIMILIAN KLEIN and SARAH GRABERT,  
individually and on behalf of all others similarly  
situated,

Plaintiffs,

v.

FACEBOOK, INC., a Delaware Corporation  
headquartered in California,

Defendant.

Case No. 5:20-cv-08570-LHK

**DECLARATION OF DAVID Z.  
GRINGER IN SUPPORT OF  
DEFENDANT FACEBOOK, INC.'S  
MOTION TO SHORTEN TIME FOR  
HEARING OF FACEBOOK'S  
MOTION TO STAY**

Judge: Hon. Lucy H. Koh

1 I, David Z. Gringer, declare as follows:

2 1. I am a partner at Wilmer Cutler Pickering Hale and Dorr LLP. I represent  
3 Defendant Facebook, Inc. in the above-captioned action.

4 2. On January 19, 2021, Facebook filed a motion to stay this case, including  
5 Facebook's response to the complaint, which is due on February 16, 2021, pending rulings on  
6 relation motions that involve this case and pending a Case Management Conference. Dkt. No.  
7 38.

8 3. Facebook's motion to stay argues that Facebook should not be required to respond  
9 to the complaint in this action before important relation and case management decisions have  
10 been made. Because this case may be transferred to another court and may be consolidated for  
11 pretrial purposes with numerous other similar cases, requiring Facebook to respond to the  
12 complaint before those decisions have been made would be a waste of the Court's resources and  
13 would prejudice Facebook. *See* Dkt No. 38.

14 4. Plaintiffs have taken the position that no stay is warranted at this time.

15 5. The first available hearing date for Facebook's motion to stay was May 20, 2021.

16 6. Facebook respectfully requests that the Court shorten the time for a hearing on  
17 Facebook's motion to stay so as to protect Facebook from the burdens of responding to the  
18 complaint before rulings on relation and attendant case management issues that may require  
19 Facebook to respond to a consolidated complaint.

20 7. Absent an order shortening the time for a hearing, Facebook will be forced to  
21 engage in the very litigation sought to be stayed before this Court is able to rule on the motion to  
22 stay.

23 8. Facebook has attempted to reach an agreement with Plaintiffs' counsel regarding  
24 this request to shorten time. On January 13, I emailed Plaintiffs' counsel to obtain their position.  
25 The next day, Plaintiffs' counsel responded that Plaintiffs would not stipulate to shortening time  
26 for the hearing.

27 9. The time for Facebook to respond to the complaint has been extended once by  
28 stipulation. *See* Dkt. No. 27.

